II. CLAIMS

This listing of claims is provided as a courtesy to the Office, there are no changes.

1. (Previously presented) A semiconductor comprising:

a contact having a portion that extends on two opposing vertical sides of a vertical structure adjacent a first gate electrode, and wherein the contact contacts a diffusion adjacent the first gate electrode and is insulated horizontally from an adjacent second gate electrode and a spacer adjacent the second gate electrode by an insulating layer; and

a masking layer for insulating the first gate electrode from the contact.

Claims 2-3 (Cancelled).

4. (Previously presented) The semiconductor of claim 1, wherein the contact includes an upper portion that is larger than a lower contact portion.

Claims 5-20 (Cancelled).

- 21. (Previously presented) The semiconductor of claim 1, wherein the vertical structure is a spacer.
- 22. (Previously presented) The semiconductor of claim 21, wherein the contact contacts a substrate adjacent the spacer.

Claims 23-33 (Cancelled).

34. (Previously presented) A semiconductor comprising:

a gate electrode;

a spacer adjacent the gate electrode;

a contact having a portion that extends on two opposing vertical sides of a first portion of the spacer, wherein the contact contacts a diffusion adjacent the gate electrode;

an insulating layer having a portion that extends on two opposing vertical sides of a second portion of the spacer and contacts the gate electrode; and

a masking layer contacting the gate electrode for insulating the gate electrode from the contact.

35. (Previously added) The semiconductor of claim 34, wherein the masking layer caps at least a portion of the gate electrode.

36. (Previously added) The semiconductor of claim 34, wherein the contact has an upper portion that is larger than a lower portion that contacts the diffusion.

Claims 37-42 (Cancelled).

43. (Previously added) The semiconductor of claim 35, wherein any remaining portion of the gate electrode is capped by the insulating layer.

- 44. (Previously presented) The semiconductor of claim 1, wherein the contact does not horizontally overlap the adjacent second gate electrode.
- 45. (Previously added) The semiconductor of claim 34, wherein the contact does not horizontally overlap an adjacent second gate electrode.